

GENERAL ACTS

OF THE

Seventy-Second General Assembly

OF THE

State of Arkansas

Volume II

Book 1

Passed at the Regular Session held at the Capitol in the City of Little Rock, Arkansas, convening on the 8th day of January, 1979, and recessing on the 20th day of April, 1979.

INCLUDING ACT NO. 1 OF THE
FIRST EXTRAORDINARY SESSION
OF THE
SEVENTIETH GENERAL ASSEMBLY

September 8, 9, 10, 1976

ACT 324

AN ACT to Create the Department of Veterans Affairs; to Provide That the Department Shall Have the Authority and Responsibility to Assist Veterans to Receive Federal and State Benefits; to Provide That the Department Shall Administer the Arkansas Veterans Home and Supervise Veterans Service Officers; to Create a Governor's Task Force on Veterans Affairs; and for Other Purposes.

Be It Enacted by the General Assembly of the State of Arkansas:

SECTION 1. There is hereby created the Department of Veterans Affairs. The Department shall (1) assume all duties and responsibilities of the present Arkansas Veterans Service Office in assisting all veterans, their dependents and survivors in securing their rights and benefits under all laws, both Federal and State; (2) supervise the operation of the Arkansas Veterans Home; and (3) supervise the activities, training and testing of the County Veterans Service Officers located throughout the State of Arkansas.

SECTION 2. The Department of Veterans Affairs is hereby authorized to develop and promulgate all rules and regulations necessary for the enforcement and implementation of the provisions of this Act and all applicable Federal rules and regulations.

SECTION 3. The Governor is hereby authorized to appoint a qualified Director of the Department of Veterans Affairs who shall have served in the Armed Forces of the United States of America during armed conflict as set forth by the United States Congress, and who has been honorably discharged therefrom, and who shall have been

a resident of the State of Arkansas for three (3) years preceding his appointment.

SECTION 4. The Director is hereby authorized to employ an Assistant Director and such other employees, full or part-time, as may be determined necessary, subject to approval of the Governor and within the limits of the funds appropriated therefor. All Veteran Claims Specialists shall have served in the Armed Forces of the United States of America during armed conflict, as set forth by the United States Congress, and shall have been honorably discharged therefrom. They shall have been citizens of the State of Arkansas for a period of three (3) years prior to appointment.

SECTION 5. The Department of Veterans Affairs is hereby authorized to establish and maintain an Arkansas Veterans Home in the building formerly used as the School for the Blind and School for the Deaf at Twentieth and Madison Streets, in Little Rock, Arkansas.

The Department of Veterans Affairs is authorized to employ such staff to operate the Arkansas Veterans Home as it deems appropriate and as may be authorized by biennial appropriation.

SECTION 6. The Arkansas Veterans Home shall be operated under the supervision of the Department of Veterans Affairs. The Director of the Department of Veterans Affairs shall be the administrative head of the Veterans Home and shall have the additional title of Commandant, Arkansas Veterans Home.

The Department of Veterans Affairs shall promulgate appropriate guidelines for determining eligibility of veterans for admission to the Arkansas Veterans Home, and the monetary charges to be made for veterans residing

in the Home. All such guidelines shall conform to the Federal requirements which must be met to qualify for the Arkansas Veterans Home as a domiciliary for veterans and to render the Home eligible to receive Federal financial assistance.

In the administering of the Veterans Home, the Director is specifically authorized to do the following:

(a) establish accounts to record the receipt and disbursement of funds from resident veterans to pay for a portion of their maintenance at the Home;

(b) develop policies for determining charges to be made to resident veterans;

(c) develop accounts and procedures pertaining to incompetent residents of the Home;

(d) establish procedures and accounts for payment by the Veterans Home to its residents for work performed at the Home;

(e) establish such other accounts as are necessary to the orderly administration of the Arkansas Veterans Home;

(f) establish policies necessary for the operation of the Arkansas Veterans Home.

SECTION 7. The Director shall maintain his office in space provided by the Veterans Administration Regional Office Building in Little Rock, Arkansas, and may establish, maintain and operate such other offices within the State of Arkansas as may be necessary.

SECTION 8. All Veterans Claims Specialists of said

Department of Veterans Affairs shall familiarize themselves with all laws, both Federal and State, relating to rights and benefits of all veterans and their dependents and shall aid and assist all veterans and their dependents in securing same. The Director shall promote and supervise the dissemination of all available information concerning the rights of all veterans and their dependents.

SECTION 9. The Director is authorized to arrange for and accept through such mutual arrangement as may be made, the volunteer services, equipment, gifts, facilities, properties, supplies and personnel of any State, county and municipal offices and agencies and of veterans' fraternal, welfare, civic, and service organizations, in the furtherance of the purposes of this Act. It shall be the duty of all State, county and municipal offices and agencies legally concerned with and interested in the welfare of veterans and their dependents to cooperate with the Department of Veterans Affairs in carrying out the purposes of this Act.

SECTION 10. County quorum courts, city councils and other municipal governing bodies, are hereby authorized to appropriate money for the purpose of maintaining county and/or municipal offices jointly with the Department of Veterans Affairs, on either full or part-time basis, all such offices to be under the supervision of the Director, and all work of such offices to be coordinated with the Department of Veterans Affairs.

SECTION 11. The Department of Veterans Affairs is hereby authorized to establish, implement, and maintain a program for providing financial assistance to the counties to assist the counties in paying the salaries and/or expenses of county veterans service officers. Any such program established and maintained by the Department of Veterans Affairs shall provide for financial assistance to

applying counties on the basis of one dollar (\$1.00) of State funds for each two dollars (\$2.00) of county funds provided for the payment of the salary and/or expenses of the particular veterans service officer of the applying county. No county shall receive financial assistance under the provisions of this Act in excess of two thousand five hundred dollars (\$2,500) in any fiscal year; provided, that said financial assistance to counties under this section may be increased to a maximum of three thousand six hundred dollars (\$3,600) per year for those counties wherein the veteran population exceeds 2,500 veterans as reflected by the latest Veterans Administration report on veteran population. Assistance grants hereunder may be made only to those counties employing a county veterans service officer who meets the training and testing qualifications, scheduled number of work hours per month, and other qualifications prescribed by the Department of Veterans Affairs for county veterans service officers.

The county veterans service officers shall serve at the pleasure of the individual incumbent county judge in his respective county; provided, that supervision, training and testing of county veterans service officers shall be the responsibility of the Department of Veterans Affairs.

SECTION 12. All employees under the supervision of the Department of Veterans Affairs shall not for themselves accept, receive or charge any money, article or thing of value for the performing of any such service rendered to any veteran, his or her dependents, at any time or in any manner, and any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or imprisoned not less than thirty (30) days nor more than six (6) months, or both.

SECTION 13. A Governor's Task Force on Veterans Affairs is hereby established to serve as an advisory agency to the Veterans Home. The Task Force shall be composed of fifteen (15) members, who shall be appointed by the Governor and confirmed by the Senate. Members of the Task Force shall serve for five year overlapping terms, except that three members of the original Task Force shall be appointed for four (4) year terms, three original members shall be appointed for three (3) year terms, three original members shall be appointed for two (2) year terms, and three original members shall be appointed for one (1) year terms. The Task Force shall annually elect its chairman from among its membership. Members of the Task Force shall be entitled to per diem at the rate of twenty-five dollars (\$25.00) per day for each day spent in carrying out official duties, plus mileage at the rate prescribed by law or regulation for state employees.

The Governor's Task Force on Veterans Affairs shall make recommendations to the Director of the Department of Veterans Affairs for the operation and improvement of the Veterans Home. It shall also act as an advisory board to the Arkansas General Assembly on all other matters affecting Arkansas veterans, their dependents and survivors. Quarterly meetings of the Task Force are authorized at the call of the chairman.

SECTION 14. Subsection (g) of Section 2 of Act 25 of the First Extraordinary Session of 1968, as amended, the same being Arkansas Statutes 81-320 (g), is hereby amended by adding a new number (12) to said subsection, to read as follows:

"(12) Any resident of the Arkansas Veterans Home who performs work voluntarily on the premises and who receives compensation paid by the Home."

SECTION 15. Subsection (a) of Section 1 of Act 434 of 1967, as amended, the same being Arkansas Statute 5-701 (a), is hereby amended to read as follows:

"(a) Agency — 'Agency' means each board, commission, department officer, or other authority of the government of the State of Arkansas, whether or not within or subject to review by another agency, except the General Assembly, the courts, and Governor. Nothing in this Act shall be construed to repeal delegations of authority as provided by law. Provided, the word 'agency' as used in this Act shall not include the Arkansas Public Service Commission, the Arkansas Transportation Commission, the Arkansas Pollution Control Commission, the Contractors Licensing Board, the State Department of Health, the Arkansas Workers' Compensation Commission, the Employment Security Division of the Arkansas Department of Labor, and the Department of Veterans Affairs, it being hereby determined by the General Assembly that the existing laws governing such agencies provided adequate administrative procedures for said agencies."

SECTION 16. Section 4 of Act 386 of 1941, as amended, the same being Arkansas Statute 84-1904, is hereby amended to add subsection (u), to read as follows:

"(u) the gross receipts or gross proceeds derived from the sale of articles sold on the premises of the Arkansas Veterans Home."

SECTION 17. Act 234 of 1945, as amended, the same being Arkansas Statutes 11-1401 through 11-1408, is hereby specifically repealed, and all other laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 18. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Second General

Assembly, that the effectiveness of this Act on July 1, 1979 is essential to the operation of the agency established in this Act and that in the event of an extension of the Regular Session the delay in the effective date of this Act beyond July 1, 1979, could work irreparable harm upon the proper administration and providing of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1979.

APPROVED: March 8, 1979.

ACT 325

AN ACT to Amend Section 1 of Act 185 of 1965, as Amended [Ark. Stats. 19-4613], to Provide that Cities of the First Class Having a City Park of 1,000 Acres or More May Levy an Additional One Percent (1%) Sales Tax on Hotel and/or Restaurant Receipts for the Benefit of the City Parks and Recreation Department; and for Other Purposes.

Be It Enacted by the General Assembly of the State of Arkansas:

SECTION 1. Section 1 of Act 185 of 1965, as amended, the same being Arkansas Statutes 19-4613, is hereby amended to read as follows:

Section 1. Any city of the first class may by ordinance of the governing body thereof, levy a tax of one percent (1%) upon the gross receipts or gross proceeds from the renting, leasing or otherwise furnishing of hotel or motel accommodations for profit in such city, and/or upon the